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Via ECF

Honorable Raymond J. Dearie
Senior United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: United States v. Shelton, et al.
18-CR-609 (S-3)(RJD)

Dear Judge Dearie:

On behalf of our client, Himen Ross, we have reviewed the *Motions in Limine* served and filed by counsel for co-defendants Bushawn Shelton and Anthony Zottola, Sr. Please permit defendant Himen Ross to join in said motions to the extent they raise issues pertinent to him.

In particular, we specifically join in the following motions for the reasons stated therein.

A) Motion filed on behalf of Bushawn Shelton:

1. Request for written proffer and hearing on admissibility of co-conspirator statements under Fed. R. EVID. 801(d)(2)(E);
2. Request for earlier disclosure deadline for voluminous, prejudicial, or contested evidence;

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3. The government should be precluded from indicating that the firearm Mr. Shelton is charged with possessing in Count Five has any connection to the other counts in the indictment;
4. The government should be precluded from introducing evidence regarding cell-site location data;
5. The government's expert disclosures were inadequate, and the Court should preclude the government's experts at trial;
6. The government should be precluded from introducing evidence produced after the Court's discovery deadline.

In addition, as noted by counsel for Mr. Shelton, the government has provided an enormous amount of discovery, much of it in the last few months. Further volumes of additional materials are still to be provided. Accordingly, we join in Mr. Shelton's request for a continuance of the trial, currently scheduled to commence August 24, 2022.

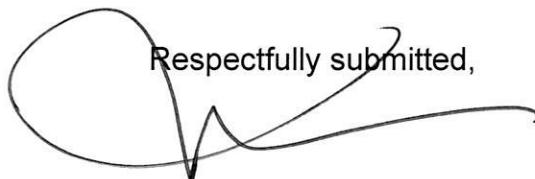
B. Motion filed on behalf of Anthony Zottola, Sr.

1. The government's expert notices are deficient; the prejudice to defendants based on the inadequate disclosures cannot be remedied in advance of trial;
2. The government's proposed cell-site location expert testimony should be precluded as the product of unreliable methodology;
3. FBI Special Agent Michael Liberti's opinion that the "the shooter's dominant hand was his left hand" is inadmissible;

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4. NYPD Detective Thomas Burke's opinions purporting to identify a grey Ford Fusion also lack reliable methodology.

While each of the above referenced arguments have applicability to Mr. Ross, it is noted that arguments 3 and 4, *supra*, are particularly relevant to Mr. Ross' defense.



Respectfully submitted,

Michael A. Marinaccio, Esq.
Elizabeth Macedonio, Esq.
Cory Garcia, Esq.
Counsel for Himen Ross

cc: All Counsel of Record
Via ECF

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